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Held at Headquarters, New York, on Wednesday, 7 October 1998, at 10 a.m.

Chairman: Mr. Macedo ..... (Mexico)

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98-81480 (E)

The meeting was called to order at 10.05 a.m.

Requests for hearings

1. **The Chairman** drew attention to documents A/C.4/53/2 and Add.1 to 3 containing requests for hearings concerning the question of Guam. He took it that the Committee wished to grant those requests.

2. *It was so decided.*

3. **The Chairman** informed the members of the Committee that a further request for a hearing, contained in document A/C.4/53/3, concerned the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples with regard to the United States Virgin Islands. He took it that the Committee wished to grant that request.

4. *It was so decided.*

5. **The Chairman** informed the members of the Committee that he had received five requests for hearings relating to the question of Western Sahara, contained in documents A/C.4/53/4 and Add.1 to 4.

6. **Mr. Zahid** (Morocco) said that, at the previous meeting, the Permanent Representative of Morocco had raised the question of petitioners in connection with the consideration of the question of Western Sahara. A decision had been taken to revert to that question after the requests for hearings had been issued as official documents. After considering all the requests for hearings of petitioners wishing to address the Committee on various questions on its agenda, his delegation had no objection to the first requests, relating to Guam and the United States Virgin Islands, since, to judge from the requests, the petitioners had a direct connection with those Territories.

7. With regard to the question of the southern province of Morocco known as "Western Sahara", there were five requests for hearings. Unfortunately, it must be noted that the "quasi-majority" of the petitioners on the question of Western Sahara were in no way connected with that Territory. In view of the current delicate situation, it was essential to avoid aggravating matters by statements which would not help at a time when calm and patience were particularly required so that Mr. Baker's mission of mediation would be successful. In that connection, it was difficult to understand why an academic at Brown University (in the United States), had been included among the petitioners. His delegation was prepared to hear any views, but it did not understand what value could be attached to the testimony of eminent persons and others or academics who had no connection whatsoever with the Territory. The same applied to the request for a hearing submitted by a member of the Canary Isles Parliament and Secretary of the Parliamentary Group of the Spanish State, Paz para el Pueblo Saharaui, since it was not altogether clear whether he would be speaking in his personal or his official capacity. There had already been an occasion the previous year when Mr. Lecoq, who had been supposed to be speaking on behalf of French elected officials had in fact, as it turned out, spoken in his personal capacity. In that connection, it was essential that the member of the Canary Isles Parliament should explain on what authority he would be speaking. That also applied to the member of the European Parliament; it was important to clarify on whose behalf he would be speaking, what his interest was and what connection he had with the Territory.

8. With regard to Mrs. Carmen Diaz, who represented the Asociaciones de Amistad con el Pueblo Saharaui del Estado español, it would also be helpful to clarify what connection she had with the Territory, what her interest was and whether the information she wished to present was current. Some thought should also be given as to whether there was any advantage in Mr. Boukhari making a statement before the members of the Fourth Committee since he had already spoken on the subject in the Special Committee on Decolonization. There was no need to repeat what had already been said. Moreover, the Special Committee on Decolonization had been established precisely to lighten the workload and to avoid duplication. It would be advisable to review the procedure; that would make it possible to avoid the repetition of statements by petitioners who had already had an opportunity to speak, not in plenary meetings of the Committee, but in other forums such as the Special Committee on Decolonization. His delegation would like clarification in order to be able to adopt decisions on requests for hearings in full knowledge of the facts.

9. **Mr. Baali** (Algeria) said that he had not wanted the question to be raised and thought that the explanations given at the meeting on Monday would have been sufficient. His delegation had heard the statement by the representative of Morocco with surprise and concern. With surprise, because there had been no indication that, after so many statements made by petitioners over the course of many years with a view to helping members of the Fourth Committee, through their testimony and experience, to gain a deeper understanding of the questions under consideration, the question would now be raised as to whether petitioners in general could be heard in the Committee. With concern, because for many years now the Committee's work had been characterized by calm and efforts to reach a consensus; the statement that had just been

made in some sense violated that harmony and caused his delegation to express deep regret in that connection.

10. The representative of Morocco had forgotten that the right to present petitions was guaranteed by Article 87 of the Charter of the United Nations, and was reaffirmed in rule 77 of the rules of procedure of the Trusteeship Council, which considered questions similar to those which were now before the Fourth Committee. According to that rule, petitions could be presented both by inhabitants of Trust Territories and by others; that answered the question raised by the representative of Morocco as to what connection the petitioners had with Western Sahara. In reality, what was important was not where a petitioner came from but what information he could present to the Committee. It should also be remembered that the hearing of petitioners in the Committee had been going on since the 1950s on the basis of General Assembly resolutions 652 of 20 December 1952 and 655 and 656 of 21 December 1952 and on the basis of other resolutions which provided that those who had important information on questions of decolonization should have an opportunity to speak in the Fourth Committee and/or the Special Committee on Decolonization. It was therefore a matter of deep regret that doubt was being cast on the right of petitioners to be heard in the Committee — a long-standing practice in the United Nations and an integral part of the work of the Fourth Committee — a right which had been recognized in the Charter.

11. **Mr. Zahid** (Morocco), responding to the statement by the representative of Algeria, said that all he had wanted to do was to obtain clarifications from the Secretariat regarding the issue that had been raised. His delegation was in no way seeking to undermine the consensus; on the contrary, it was doing everything it could to achieve it. Moreover, his delegation noted that before raising the issue it had emphasized the complexity and delicacy of the current situation, and that to avoid exacerbating it, it would be desirable to refrain from statements which might violate, in the representative of Algeria's words, "that harmony". Every effort must be made to create the necessary conditions for the success of Mr. Baker's mediating mission.

12. Morocco was not questioning the right to submit petitions, which was embodied in the Charter of the United Nations. However, the reference to the rules of procedure of the Trusteeship Council was out of place in that respect. Morocco recognized that right, but the testimony provided must facilitate the fruitful work of the Committee. It must be objective and realistic, rather than theoretical, and it was therefore important that petitioners should have a relationship to the Territory. With respect to the issue of Western Sahara, that was not the case. His delegation was not seeking to violate the harmony, but on the contrary, was making efforts to move ahead towards a final settlement of an issue relating to the territorial integrity of a country. His delegation hoped that the Secretariat would provide the necessary clarifications, which would make it possible to continue the work, since the issue was of vital significance to the country, in that it was a matter of its territorial integrity.

13. **The Chairman** said that the Secretariat was not the competent body to provide clarifications of what relationship petitioners bore to the Territory. That should be done in the first place by the petitioners themselves, members of the Committee, having the petitioners' statements, could determine for themselves what relationship they bore to the Territory and why they were showing an interest in it. On the other hand, the representative of Morocco had noted the complexity and delicacy of the current situation relating to the process of conducting a referendum in Western Sahara. Nevertheless, contrary to what the representative of Morocco had said, it was in the Committee's interests to hear various views which might prove useful for its work. Thus it was not the Secretariat, but the petitioners themselves, that should give the necessary explanations, and accordingly he requested the representative of Morocco not to insist on his objections to approving petitioners' requests for hearings.

14. **Mr. Zahid** (Morocco) said that while he agreed with the argument about the usefulness of being acquainted with various viewpoints, he nevertheless noted that the views of persons bearing no relationship to the Territory would scarcely facilitate progress in resolving the issues raised in the context of the peace process. It would be desirable for petitioners to give fuller justification and explanation of their requests for hearings in their letters, before speaking, since otherwise it was difficult to understand why they were interested in the issue and to what extent they could help the Committee in its work. Nevertheless, he accepted the Chairman's proposal.

15. **The Chairman** thanked the representative of Morocco for the flexibility and understanding he had shown, and said he was sure that he would be able to put any questions to the petitioners during their statements in the Committee. He informed the Committee that the next request for a hearing, contained in document A/C.4/53/5, related to New Caledonia, and said he took it that the Committee wished to approve it.

16. *It was so decided.*

Agenda item 18: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (Territories not covered under other agenda items)

Hearing of petitioners

Question of Gibraltar

17. **The Chairman** said that in accordance with established procedure, and with the consent of members of the Committee, he proposed to give the floor to the Chief Minister of Gibraltar for a statement.

18. *It was so decided.*

19. *At the invitation of the Chairman, Mr. Caruana (Chief Minister of Gibraltar) took a place at the table.*

20. **Mr. Caruana** (Chief Minister of Gibraltar) said that his Government had three reasons for addressing the Committee: to reassert the right of the people of Gibraltar to self-determination, a right possessed by all Non-Self-Governing Territories, to rebut the arguments of Spain in its attempt to obtain sovereignty over Gibraltar against the will of its people, and to seek from the United Nations a clear acknowledgement of the applicability of the principle of self-determination as the only principle relevant to the decolonization of Gibraltar.

21. Spain argued that because it had a 300-year-old claim to the Territory, Gibraltar could be decolonized on the basis of the principle of territorial integrity, and that the people of Gibraltar did not have the right to self-determination. Its misconceived position was based on the idea that self-determination should not lead to violation of the territorial integrity of a State. That idea was not relevant to the question under discussion, in that Gibraltar had not been part of Spain for 294 years. Moreover, the International Court of Justice had rejected the concept of territorial retrocession in the process of decolonization. Under the terms of the Charter of the United Nations, the decolonization of a Territory could take place only on the basis of the principle of self-determination; that was the modern doctrine of the United Nations.

22. Most of the remaining Territories on the United Nations list of Non-Self-Governing Territories had some extraneous obstacle or other in the path of the exercise of their right to self-determination. The existence of such extraneous obstacles was usually explained by the policy of some country seeking to deny self-determination, but the Special Committee could not yield to such barriers, because it was precisely their existence which gave it an important role in protecting the rights of the Non-Self-Governing Territories. The people of Gibraltar therefore supported the Secretary-General's call for a redoubling of the effort by the international community to conclude the decolonization of the remaining Territories so that their peoples could be masters of their own destiny. In that respect, it was highly regrettable that the 1998 report of the Special Committee had altered the traditional language by eliminating the use of the word "self-determination". The phrase used in the previous year's report to the effect that the Committee would "pursue its efforts in seeking the best ways and means for the implementation of the Declaration in all Territories that have not yet exercised their right to self-determination" had disappeared.

23. In addressing the Fourth Committee the previous year, the representatives of Spain had said that Gibraltarians were not a colonial indigenous people. Those statements did not reflect the real situation since, in the past 1,287 years, Gibraltar had been Moorish for 727 years, Spanish for only 266 years and British for 294 years. It had therefore been British longer than Spanish. Gibraltar had been ceded by Spain to the United Kingdom in perpetuity under the Treaty of 1713, having been taken over by the United Kingdom in 1704. Over those 294 years, a population had established itself in Gibraltar and developed into a unique people with their own culture, characteristics and identity.

24. He wondered how long it would take to acquire the rights given to colonial peoples under the Charter of the United Nations. Other former colonial peoples had exercised the right to self-determination after a much shorter period of colonial rule, for example, the United States of America, Australia, Canada, New Zealand and all the Caribbean countries. All those countries had once been colonies, like Gibraltar. The people of Gibraltar were no less indigenous than the peoples who had exercised the right to self-determination in those and many other countries. He wondered what justification there was for Spain's argument that the colony of Gibraltar should be the only one in respect of which historical acts that had occurred 294 years earlier justified denying its inhabitants the right to self-determination. He invited representatives of the United Nations to visit Gibraltar and see for themselves that the statements by Spain were groundless.

25. Spain maintained the position that it continued to hold the inhabitants of Gibraltar in the highest regard and that the Spanish authorities had proven time and again that they were fully prepared to duly respect "the legitimate interests, status and special circumstances of the inhabitants of Gibraltar". It should be asked how the people of a colony could have legitimate interests, status and special circumstances, but not the right to self-determination, which the Secretary-General had described as a basic human right.

26. Having denied the people of Gibraltar their right to self-determination, Spain's Minister for Foreign Affairs, Mr. Matutes had, in December 1997, put forward proposals, to which he had referred in his statement to the General

Assembly in September 1998. Spain's proposals, in a nutshell, were that the United Kingdom and Spain should share sovereignty for a transitional and indeterminate period of time, after which Gibraltar would become fully Spanish as part of the Spanish State, enjoying an autonomous status greater (in the opinion of Spain) than the status which it currently enjoyed. Those proposals were not new. They had been repeatedly rejected by the people of Gibraltar. The people of Gibraltar were not Spanish and did not wish to be part of the Spanish State.

27. What Mr. Matutes had asserted was contrary to reality. The people of Gibraltar did not find his proposals generous and did not favour his ideas. When putting forward those proposals in December 1997, Mr. Matutes had recognized that Spain did not want a solution to the problem of the sovereignty dispute to be imposed on the people of Gibraltar. That had seemed to be acknowledgement that the principle of democratic consent was paramount. However, having declared himself in favour of that principle, Mr. Matutes did not accept the fact that the proposals were rejected by the people of Gibraltar. Consent must be free. It was, therefore, a little incongruous to continue to offer proposals that had already been rejected by the people of Gibraltar.

28. The proposals by Mr. Matutes had come with a warning that, if Gibraltar did not accept them, Spain would "tighten the screws". That amounted to a denial of the will of the people of Gibraltar and, therefore, of their right to self-determination. Indeed, only the past week the screws had in fact been tightened. The Spanish authorities had imposed lengthy delays for crossing the border between Gibraltar and Spain because Gibraltar had not agreed to allow Spanish fishermen to fish in the waters of Gibraltar using fishing methods prohibited under its nature conservation laws. The result had been queues of up to five hours to cross the border. Such behaviour was contrary to numerous United Nations resolutions and covenants, which prohibited the use of such tactics by large countries against small neighbours.

29. Every year the Fourth Committee recommended to the General Assembly a resolution, which it adopted as a consensus resolution, calling upon the administering Power, the United Kingdom, and Spain to take part in a bilateral process of dialogue with the object of reaching a definitive solution to the problem of Gibraltar. Such a recommendation did not address the fact that the issue was not the resolution of supposed bilateral differences between the administering Power and the third party territorial claimant. It was a question of the right of the people of Gibraltar to decide their own future in exercise of the right to self-determination, which could not be advanced in a bilateral dialogue between the United Kingdom and Spain. Only respect for Gibraltar's right to self-determination could bring about the decolonization of Gibraltar in accordance with the Charter of the United Nations, and that should be reflected in the Committee's recommendation to the General Assembly.

30. For many of the remaining Territories, independence might not be the most appropriate or favourable option for decolonization. The current options for decolonization had to be seen in the context of the trend towards decentralization and subsidiarity. The essence of decolonization was the transfer of effective political and administrative power to the people of the colony, which should be achieved by a free act of self-determination. Gibraltar had legitimate aspirations to achieve a full measure of self-government. The support of the United Nations in that regard would be enormously significant, but the agenda of the people of Gibraltar could not be held back pending a declaration by the United Nations on their status. Accordingly, the Gibraltar government was formulating proposals to the United Kingdom for further constitutional change. The aim was to achieve a relationship that maintained close political ties with the United Kingdom while producing the greatest possible degree of self-government. Those new arrangements would give rise to a non-colonial relationship, and their acceptance by the people of Gibraltar in a referendum would be a legitimate exercise of self-determination in accordance with the relevant General Assembly resolutions. The new constitutional arrangements would not, of course, settle the dispute with Spain. The Government of Gibraltar, therefore, wished to pursue, on a parallel but unconnected basis, a dialogue with Spain to improve relations and establish better communication on a large variety of issues that affected them both. The constitutional development, which involved Gibraltar and the administering Power, should not be an obstacle to better relations between Gibraltar and Spain. Blackmail was not worthy of a country with the democratic credentials and standing of modern Spain.

31. *Mr. Caruana withdrew.*

Question of Guam (A/C.4/53/2 and Add.1-3)

32. *At the invitation of the Chairman, Mr. Underwood (representative of Guam to the United States Congress) took a place at the petitioners' table.*

33. **Mr. Underwood** (representative of Guam to the United States Congress) called on the Committee to give favourable consideration to the stand-alone resolution on Guam and to include language recognizing the role of the Chamorro people in the decolonization of Guam. The Chamorro people had a history dating back more than 4,000 years. Their ancestry reflected a people that were seafarers and farmers. They were

autonomous and lived without war, disease or famine. They had a developing culture and a developed political and social system. The colonizers had come and gone, but the Chamorros had remained steadfast in their viability as an indigenous people.

34. Guam, like any other Non-Self-Governing Territory, had undoubtedly assimilated some customs and habits from the powers which had administered it. The ancient language of the Chamorro people had many Spanish influences. More recently, the majority of the youth spoke English perfectly, and their attire and habits reflected America's influence. However, the Chamorro culture had survived and the elders were still passing on the stories of their past identity.

35. After learning that the Fourth Committee would consider the possibility of a stand-alone resolution on Guam, he was gratified that the question of Guam in the United Nations was finally coming to fruition. He recalled, however, that each time the case of Guam had been presented, the United States had decided that its own domestic laws, its own interpretation of democracy and its own view of how to conduct elections superseded that process. That had been repeatedly stated by United States representatives whenever the cause of Chamorro self-determination was advanced in the United Nations by the representative of Guam. That position was disrespectful of indigenous rights and reflected a failure to understand the unique history of Guam. Under the Treaty of Paris, the United States Government had a responsibility to help advance the civil rights and the political status of the people of Guam. Its opposition was a direct violation of its obligation under the Treaty of Paris. Although there were cries from the United States Congress for self-determination for the East Timorese, the Basques, the Roma, the Kurds, the Bosnian Muslims, the Northern Irish Catholics, the tribes of Western Sahara and many other peoples, the United States representatives denied those very fundamental rights to fellow Americans, the Chamorro people.

36. The people of Guam participated fully in the processes of government. They had been able to vote for their local representatives since the 1950s, had chosen their governor since the early 1970s, and had voted for their representative to the United States Congress since the mid-1970s. In general, more than 70 per cent of the electorate participated in the elections.

37. The decolonization of Guam should no doubt include a role for the United States, but the process that had begun in the United Nations should not be dismissed. The people of Guam encouraged the dialogue to continue but they also needed concrete recognition that their democracy had matured, that their rights should be recognized and that decolonization should be brought to a closure for the indigenous people of Guam. He looked to the Fourth Committee to act with wisdom and justice in its decision on the stand-alone resolution on Guam, and hoped that it would include recognition of the right of the people of Guam to self-determination.

38. *Mr. Underwood withdrew.*

39. *At the invitation of the Chairman, Ms. Haggard (Mayor's Council of Guam) took a place at the petitioners' table.*

40. **Ms. Haggard** (Mayor's Council of Guam), welcoming the fact that the General Assembly was considering a stand-alone resolution on the question of Guam and that it referred to the Chamorro people, said that the administering Power had taken one third of the island and had flooded the island with immigrants who came to seek United States citizenship, dramatically affecting the system of education and the cost of living. A decade earlier the people of Guam had placed before the administering Power a proposal which would provide for increased local self-government. The proposal was called the Guam Commonwealth Act, and was the subject of seemingly endless discussions with the United States Government. After 10 years the people of Guam had seen no progress. The administering Power had rejected their proposal for a framework for decolonization and had rejected providing Guam with more autonomy in the meantime. The administering Power had rejected putting the brakes on the massive influx of immigrants seeking United States citizenship. It had rejected processes to return land which it did not actively use and had not cleaned up areas which had been noted for toxic and hazardous wastes for many years.

41. Representatives of the administering Power sought to pretend that Guam was just another part of the United States. But even under United States law, which was applied to the people of Guam without their consent, Guam was an "unincorporated territory", a possession of, but not a part of the United States. A colony by any other name was still a colony. Under the terms of the Charter of the United Nations, a colony was entitled to self-government. In particular, a colony which had been inscribed on the list of Non-Self-Governing Territories and whose people were actively seeking decolonization deserved the special attention of the Members of the Organization.

42. The core issues faced by the people of Guam were land use and immigration. The administering Power controlled how land in Guam was held and managed. It held on to the best areas of land in Guam, including the majority of all lands in and around the only port on the island. In addition to limiting the use of land, which was suited to local agriculture

or near-shore fisheries, the administering Power had polluted dozens of sites in Guam, including the dumping of carcinogenic chemicals in areas where they had infiltrated the island's potable water-table.

43. The issue of immigration was also critical for understanding the complex situation that had arisen on the island. In conditions of limited opportunities for development, the administering Power imposed virtually no restrictions on immigration. The number of people admitted to Guam in the past 10 years represented nearly 40 per cent of the island's 1990 census population. With respect to the education system, nearly 40 per cent of public-school students were not from Guam, and most of them would not remain on the island after finishing school. That meant that the tax dollars of long-term residents of Guam were being spent to educate the children of immigrants who would later emigrate to other places, usually in the United States. The process of immigration for the purpose of acquiring the status of a naturalized citizen of the administering Power had resulted in the long-term underdevelopment of the island's public-education system. The fact that the administering Power held one third of Guam's land directly affected the price of land and rents. The removal of one third of the land supply from a limited market inevitably raised the price of the remaining two thirds. Thus, that problem, together with the impact of immigration, led to an increase in the cost of property, rents and mortgages, which prevented a significant segment of the Chamorro population from becoming homeowners.

44. The cost of living was affected by other factors as well. The administering Power's laws required that all goods from the United States must be transported to Guam on United States ships. As a result of the high cost of such transport, the people of Guam were overcharged by some $50 million a year. In the 1980s, civilian traffic had represented 95 per cent of the activity of the island's harbour and had taken place on 15 per cent of the land surrounding the port; currently, the active use of the harbour by the United States armed forces was limited almost exclusively to training. The administering Power used other lands for the ostensible purpose of implementing programmes to protect endangered species. It was becoming increasingly obvious that the administering Power's unilateral control of such programmes was simply a means of keeping land which it did not actively use. On the small island of Guam, such practices had a real impact on the people's daily lives and on their opportunities for improving their situation.

45. *Ms. Haggard withdrew.*

46. *At the invitation of the Chairman, Mr. Rivera (Guam Commission on Decolonization) took a place at the petitioners' table.*

47. **Mr. Rivera** (Guam Commission on Decolonization) said that colonialism did not simply exist; colonial policies subverted the sovereign rights of a subject people. In Guam's case, the administering Power's policies were designed not only to attack the culture and language of the indigenous population and to control the island's limited resources, but also to make the colonized people of Guam — the Chamorro people — a minority in their own homeland. The administering Power had made no proposals to limit the number of migrants to Guam, nor had it made any effort to return lands to their original owners. The administering Power continued to implement mercenary shipping policies that resulted in significant expenses for every family on the island. In contravention of the provisions of the Convention on the Law of the Sea, the administering Power continued to lay claim to the island's ocean resources. Two elements of the administering Power's approach to Guam were very clear. First, the direct aim of its current practices was to prevent the colonized people from regaining political control over their territory and sovereignty over their resources. Second, the administering Power appeared to be willing to address the issue of Guam's self-government only in the context of its unilateral colonial control. Its legal view was that Guam belonged to the United States but was not a part of the United States. Even according to the United States' own legal standards, Guam was not part of that country. That situation was in sharp contrast to the situation in other Non-Self-Governing Territories, where the administering Powers had at least proposed integration as an alternative to unilateral colonial control, whereas Guam, under the laws of the United States, was only a piece of property. That could not be considered a purely "internal" matter under the jurisdiction of the administering Power. According to international norms, colonial peoples had a right to decolonization; clear limitations should be imposed on immigration into territories under colonial rule; the permanent appropriation of land and marine resources by administering Powers was contrary to the responsible role they were called upon to play; and the participation of Non-Self-Governing Territories in the activities of regional and international organizations was supposed to be encouraged. Thus, any attempt to portray issues concerning the relationship between Guam and the United States as an exclusively "internal matter" between the administering Power and Guam or as a product of the domestic policy of the United States was inconsistent with international principles and the legitimate rights of the people of a Non-Self-Governing Territory.

48. He was pleased to note that the draft resolution on the question of Guam (A/53/23 (Part VIII)) included a reference to the demographic situation on the island resulting from the administering Power's immigration policies. In response to the call by the people of Guam for limits on immigration, the administering Power had opened the floodgates, allowing over 40,000 new colonizers to come to Guam. That had increased Guam's population growth rate while significantly diminishing the social, economic, cultural and political institutions of the colonized people. For the regulation of such situations, the United Nations had adopted guiding principles, particularly the one contained in paragraph 8 of the annex to General Assembly resolution 35/118 of 11 December 1980.

49. The Government of Guam fully supported the island's decolonization in accordance with the provisions of international law. For the implementation of the process of achieving self-determination, the Guam legislature had established the Guam Commission on Decolonization. A plebiscite was to be held on Guam's post-colonial status, with the participation of eligible voters residing on the island. The plebiscite was scheduled for 12 December 1999. The registration of eligible Chamorro voters would be carried out by the Guam Election Commission in consultation with the Chamorro Registry Advisory Board. The establishment of a registry of eligible voters for the decolonization plebiscite was necessary in view of the administering Power's introduction of settlers and immigrants. The intent of the relevant law was to extend the right to vote only to the group of people whose territory had been colonized. Known as the Chamorro people, they were in fact the political group of people whose ancestors had settled on Guam at the time of the occupation of the island by the United States in 1898. The establishment of a separate registry of eligible voters was unfortunate, but had been made necessary by the previously described policies of the administering Power. It was very important to note that the outcome of the decolonization plebiscite would reflect the colonized people's views on a future status and that the vote itself would not result in decolonization. The Commission would keep the Special Committee and other United Nations organs informed of the progress achieved.

50. Noting with satisfaction that the Special Committee had decided by consensus to draft a separate resolution on Guam, he said that, when the draft resolution was considered, two points would merit attention: first, the issue of the right of the colonized Chamorro people to decolonize their homeland; and, second, the significance of a separate resolution on Guam. Since the Committee's consideration of the question of Guam at the previous year's session, the administering Power had attempted to present the issue of the realization of the right of the people of Guam to decolonization as some sort of racial problem. the administering Power had asserted that the proposal by the people of Guam with respect to decolonization was promoting ethnic and racial conflicts. It had declared that the realization of the right of the colonized people of Guam was somehow endangering the rights of the settlers and migrants, and that the issue was an internal matter for the United States Government. The administering Power was mistaken since the right of a colonized people was not an internal political question to be determined by any Member State. If racism and ethnic division existed in Guam, the root causes lay in the complete disregard by the administering Power of the rights of the colonized people. The second issue concerned the appropriateness of drafting a separate resolution on Guam. The situation in Guam was no different from that in Western Sahara, New Caledonia, Tokelau, East Timor and even Gibraltar and the Falkland Islands (Malvinas), which were considered separately. The separate resolution dealt with many development which warranted attention and reflected the attempts of Guam to establish a process for the island's decolonization. The resolution also served to remind the administering Power of the responsibilities which it had accepted under the Charter. The drafting of a separate resolution on the situation in Guam was preferable to the consideration of that question within the context of a consolidated resolution which did not reflect either the prevailing conditions in Guam or the responsibilities of the administering Power.

51. **Mr. Ovia** (Papua New Guinea) asked whether the resolution on Guam before the Committee was in the interests of the people of Guam, including their elected representatives, whether it would advance the process of decolonizing Guam, and whether it would lead to the initiation of a dialogue and consultations between Guam and the administering Power.

52. **Mr. Rivera** (Guam) said there was no doubt that the resolution enjoyed the firm support of the people of Guam and their elected representatives. His presence at the meeting, in his capacity as Vice-Chairman of the Guam Commission on Decolonization, bore witness to the support of the people of Guam for the decolonization process implemented by the United Nations. In its current form, the resolution faithfully reflected the situation in Guam, and it enjoyed broad support. It gave real impetus to the decolonization process in Guam and facilitated the work of the Guam Commission on Decolonization, which had been established in accordance with the laws of Guam with a view to conducting a plebiscite on the question of the political status of Guam. It was his sincere hope that the resolution would promote dialogue between the administering Power and the people of Guam. While their attempts to initiate a dialogue with the

administering Power had not yet borne fruit, the people of Guam were persevering with their efforts to establish contacts with the administering Power on all questions and initiatives. The reaction of the administering Power to Guam's initiatives was extremely important. He hoped that the resolution would also promote the establishment of a more effective dialogue with the administering Power.

53. *Mr. Rivera withdrew.*

54. *At the invitation of the Chairman, Ms. Cristobal (Personal representative of Senator Santos) took a place at the petitioners' table.*

55. **Ms. Cristobal** (Personal representative of Senator Santos), speaking as the personal representative of Senator Santos, a member of the Guam Commission on Self-Determination, said that the Chamorro people had been occupied and administered by the United States for the past 100 years. She welcomed the adoption by the Special Committee on 11 August 1998 of a resolution reaffirming that the question of Guam was a question of decolonization, which the Chamorro people had yet to achieve. The Guam Legislature had adopted two important laws in that connection. The first created a mechanism for the Chamorro people to register to vote on the question of self-determination. The establishment of the Chamorro Registry gave impetus to the long-drawn-out process of determining the final political status of the Chamorro people. The second law established the Commission on Decolonization for the Implementation and Exercise of Chamorro Self-Determination. The Commission was planning its work in the light of the new date set for the political status plebiscite, which was to take place on 12 December 1999. The Commission's task was to determine, by means of a plebiscite on the question of political status, the wishes of the colonized Chamorro people regarding their future political relationship with the United States, and to transmit their wishes to the President and Congress of the United States and to the Secretary-General of the United Nations. The law also noted that, by approving the draft Guam Commonwealth Act as an interim political status, the entire population of Guam had recognized and supported the inalienable right of the colonized Chamorro people to decide the future political status of Guam through a true act of self-determination.

56. Since presenting their first petition in 1901, the Chamorro people had continually expressed resistance to their situation as a colonized people. The adoption of the two aforementioned laws testified to the determination of the people of Guam to fulfil their aspirations and achieve decolonization. However, while the Chamorro Government in Guam was moving forward, through its own initiative, on the path towards decolonization, there had been a lack of formal cooperation on the part of the administering Power with regard to the implementation of the United Nations Plan of Action for the Full Implementation of the Declaration on Decolonization or other relevant United Nations resolutions. The Chamorro people were tired of feeling rejected by the United States Government and tired of the administering Power's contemptuous disregard for its moral and legal responsibilities under the Charter of the United Nations and General Assembly resolutions 1514 (XV) and 1541 (XV). There were, moreover, no signs that the United States was attempting to fulfil its responsibilities with respect to the decolonization of Guam. It was a sad fact that, in its resolution of 1 April 1998, the United States House of Representatives had supported the holding of an internationally supervised referendum to determine the political status of East Timor; the United States Senate had acted along the same lines. On 9 November 1997, the United States Congress had adopted a similar resolution with respect to Western Sahara, in which it had expressed its support for the holding of a referendum on the question of self-determination for the people of Western Sahara. It was ironic that a State which considered itself an international champion of human rights saw fit to direct others towards civilized solutions, but was unable to deal with its own colonial legacy.

57. It was entirely unacceptable that the decolonization of Guam had to be initiated in Guam because the administering Power remained uncooperative. It would be deeply regrettable if the international standards with respect to the decolonization process, as set out in the Charter of the United Nations, were to be ignored, and if the administering Power was to be allowed to dictate the rights of the Chamorro people. It was true that the administering Power was helping and supporting the peoples of the Pacific region, assisting in the enhancement of their human rights and in their progress towards self-determination. The presence in the Committee of representatives of the Federated States of Micronesia, the Republic of Palau and the Republic of the Marshall Islands, three States freely associated with the United States, demonstrated that decolonization was attainable in the current era. The Special Committee should approve the draft resolution before it and continue to consider the question of Guam separately. She noted with satisfaction paragraph 1 of the draft resolution, which called upon the administering Power to cooperate with Guam's Commission on Decolonization for the Implementation and Exercise of Chamorro Self-Determination in order to facilitate Guam's decolonization and to keep the Secretary-General informed of progress to that end.

58. *Ms. Cristobal withdrew.*

Question of the United States Virgin Islands
(A/C.4/53/3)

59. *At the invitation of the Chairman, Mr. Corbin (Government of the United States Virgin Islands) took a place at the petitioners' table.*

60. **Mr. Corbin** (Government of the United States Virgin Islands) said that the Government of the United States Virgin Islands accorded special attention to the consolidated resolution on the majority of the small island territories and the resolution on assistance to the Territories from the United Nations system. The consolidated resolution dealt with a number of important issues which bore heavily on the success of the development process in those Territories. Of particular significance was the recognition of the vulnerability to natural disasters of small island Non-Self-Governing Territories. The volcanic eruption on Montserrat, and the devastation and dislocation caused by Hurricane Georges in Puerto Rico, Antigua and Barbuda, Saint Kitts and Nevis, the Dominican Republic, Haiti and Cuba were illustrative of that vulnerability. The United States Virgin Islands supported the efforts of the international community to assist those countries not only with the reconstruction process, but also within the framework of international disaster mitigation programmes and activities.

61. The consolidated resolution also took note of the Pacific regional seminar held in Fiji in June 1998. Those annual regional seminars were of great importance since they were one of the activities envisaged in the Plan of Action for the International Decade for the Eradication of Colonialism. The conclusions and recommendations of the seminar focused attention on the unique conditions prevailing in individual Territories and also showed how the United Nations system could play a more proactive role in the decolonization process.

62. The consolidated resolution also referred to the issue of self-determination and to the importance of the entire range of options available to Territories. In that connection, he supported the view of the representative of the United Kingdom that independence was not the only legitimate political option. He did not concur, however, with the conclusion that the Special Committee did not recognize that fact, particularly as far as the small island Territories were concerned. His Government continued to believe that various political alternatives should be recognized as legitimate, but only if those alternatives provided the minimum level of political equality necessary for the attainment of full self-government. The General Assembly had long recognized legitimate models of equality, which fell short of independence. They included the Netherlands Antilles and Aruba, in association with the Kingdom of the Netherlands, and the Cook Islands and Niue, in association with New Zealand.

63. The resolution on the implementation of the Declaration on decolonization by the specialized agencies and the international institutions associated with the United Nations was of particular interest. That resolution contained the mandate for the provision of assistance to the Non-Self-Governing Territories by the United Nations system. It also served as the legal basis for participation by those Territories in the work of the United Nations agencies and in such regional commissions as the Economic Commission for Latin America and the Caribbean (ECLAC) and the Economic and Social Commission for Asia and the Pacific (ESCAP). The resolution had also proved very useful with respect to the extension of observer status to many of those Territories at United Nations world conferences on the environment, population, the sustainable development of small island States, social development, the status of women, natural disasters and human settlements.

64. He reiterated the view expressed by the peoples of the Territories themselves at various regional seminars that the process of achieving full self-government had not yet been completed, particularly in the small island Territories, although it had entered a new and more complex phase. The role of the United Nations in monitoring that process was more important now than ever before, particularly in view of the ongoing bilateral talks, proposals and other developments affecting a number of the Territories.

65. It was important to underline that, while talks on changes in some of those Territories were under way, it should not be assumed that the changes would necessarily result in full self-government and equality. There was now a need to ensure that the decolonization process did not expire through the redefinition of such arrangements as self-government, without the peoples of the Territories themselves having achieved full political equality within whatever political arrangement they might freely choose.

66. **Mr. Mekdad** (Syrian Arab Republic) said that he had listened attentively to the detailed statement by Mr. Corbin, which contained valuable historical information. He asked what Mr. Corbin thought the Special Committee might do to accelerate the decolonization process, and what suggestions he might make to the Special Committee concerning the resolution of the problems which would arise during the current phase of the process.

67. **Mr. Corbin** (Government of the United States Virgin Islands), replying to the question on the Special Committee's future role, said that there were a number of elements which

might be facilitated if the Special Committee took a more proactive role. They might include, in particular, the implementation of additional aspects of the Plan of Action for the International Decade for the Eradication of Colonialism, which had been adopted by the General Assembly, provided that specific information was made available with respect to individual Territories and also the development process in those Territories. In that connection, the Special Committee could carry out constant monitoring of all those events since, if they developed as many hoped they would, they would result in full political equality on the basis of the relevant General Assembly resolutions.

68. **Mr. Ovia** (Papua New Guinea) asked Mr. Corbin what role he thought the Special Political and Decolonization Committee should play in the event of a people of a Non-Self-Governing Territory taking a decision not about attaining independence but about integration or obtaining some other status.

69. **Mr. Corbin** (Government of the United States Virgin Islands) said that when Territories achieved integration or free association in the real sense of those terms, those relationships were submitted to the Committee for consideration. That had been done for a number of years when Territories were removed from the United Nations list of Non-Self-Governing Territories. The decisions about removing the majority of Territories from the list had been taken on the basis of General Assembly resolutions, but only after detailed review of the status achieved. In the present case, the point had again been reached of defining a status of full integration with guaranteed full political rights, including full participation in the political process. As for free association status, there were also in the present case very clear and precise definitions. At the present meeting, one representative had said that what the status was called was of no significance. He fully shared that view: it was unimportant what any given political status was called; what was important was which elements made up that status. And if they passed the test for genuine political equality, a resolution was submitted on the removal of the Territory from the list of Non-Self-Governing Territories. However, it had to be underlined that it was done on the basis of the very clear and firm criteria of the General Assembly.

70. *Mr. Corbin withdrew.*

Question of New Caledonia (A/C.4/53/5)

71. *At the invitation of the Chairman, Mr. Wamytan (Front de Libération National Kanak Socialiste (FLNKS)) took a place at the petitioners' table.*

72. **Mr. Wamytan** (Front de Libération National Kanak Socialiste (FLNKS)) said that each time his people had embarked upon the struggle to secure its lost freedom, it had been subjected to repression of various kinds, which had redoubled with the implementation of a deliberate immigration policy. The struggle had lasted until 1988, when the Government of France, the Rassemblement pour la Calédonie dans la République (RPCR) and the Front de Libération National Kanak Socialiste (FLNKS) signed the Matignon Accords. Under those Accords, the FLNKS had entered a reservation regarding the entitlement to vote on the question of self-determination in 1998. It was evident that as a result of the settlement policy carried out by successive Governments of France since the 1970s, the Kanak people found themselves to be in a minority on the electoral list. Despite continuous appeals by the FLNKS for France to implement the United Nations resolution on the question of immigration in Trust Territories, an additional 20,000 people had arrived in New Caledonia between 1988 and 1997.

73. In view of that fact, it was logical to arrive at the conclusion that holding a referendum in 1998 on the question of self-determination would merely lead to a new increase in tension and a socio-political explosion. Accordingly, the FLNKS and its two partners in the talks had decided to discuss what possibilities there were for finding a way out of the situation which had arisen in 1998. The FLNKS had elaborated a framework project for the creation of a State in association with France which was the only constitutional possibility of taking into account at one and the same time the lawful nature of the interests of the Kanak people and its inalienable right to independence and the lawfulness of the interests of the other communities which had become "the victims of history". The talks had resulted in the Noumea Accords, the preamble to which contained five basic points. First, the Act of 24 September 1853 taking possession of the country of the Kanaks and subsequent treaties with clan leaders were in fact unilateral instruments. Secondly, the colonization of New Caledonia had occurred as part of a broad historical movement of European domination over the rest of the world and the gradual introduction of a new population linked to the spread of Christianity. Thirdly, the fact of colonialism was recognized, along with the serious harm done to the Kanak people as a result of the destruction of its culture and identity and its effective relegation to the fringes. Fourthly, decolonization as the means of rebuilding lasting bonds between the communities by enabling the Kanak people to establish new relations with France. Fifthly, the basic elements of the proposed solution included: (i) full recognition of the identity of the Kanak people and revival of their culture as being of primary rather than secondary

significance; (ii) the establishment of new institutions with their own identity signs such as the name of the State, flag, anthem and motto; (iii) restoration of citizenship as the criterion for taking part in the elections, defending the interests of the local work force and restricting in immigration flows; (iv) a gradual sharing of responsibilities which would signify shared sovereignty; (v) the duty of the State to contribute to that process in terms of providing technical assistance, training and the funding for long-term programmes; and (vi) consultations on the outcome of the process beginning in the year 2014 which would also deal with transfer at the final stage by the State of its responsibilities in the areas of justice, defence, security, law and order and currency (including credit and exchange). The opportunity those agreements provided for preparing New Caledonia for the attainment of independence was one that was not to be missed. In that connection, it was envisaged that progress towards the attainment of freedom must be with the apprisal of the United Nations.

74. The process laid down in the Noumea Accords went beyond the year 2000, which was to be the final year of the International Decade for the Eradication of Colonialism. It was important for the United Nations to continue its efforts to secure the decolonization process in New Caledonia initiated by the Matignon Accords within the framework of the Noumea Accords which established the conditions in which New Caledonia, under the aegis of the United Nations, could gradually attain full sovereignty. The United Nations must be vigilant in monitoring implementation of the Noumea Accords, while at the same time France must meet its obligations to implement those Accords, specifically, and particularly strictly, with regard to the irreversibility of the process, the establishment of technical and financial measures, the transfer to New Caledonia of economic mechanisms currently controlled by France, taking effective steps to curb immigration flows and, lastly, the provision of mechanisms for disengaging from the process. In that respect it would be desirable if France were to provide the Secretary-General of the United Nations on an annual basis with all information relating to the political, economic and social situation in New Caledonia, and if in the final analysis, France were to permit the United Nations to send a mission to New Caledonia, in connection with the implementation of the Noumea Accords, in the middle of 1999. He was confident that in spite of the current difficulties, New Caledonia would confirm the Accords on the basis of the results of the referendum on their ratification which was due to be held on 8 November 1998.

75. *Mr. Wamytan withdrew.*

Organization of work

76. **The Chairman** said that in order to complete its programme and work schedule and to conclude its discussion of the agenda items on decolonization, the Committee would take decisions on draft resolutions and decisions submitted on those agenda items on Tuesday, 13 October. Any proposals or amendments to draft decisions or resolutions on agenda items relating to decolonization should be submitted by 5 p.m. on Friday, 9 October.

77. *It was so decided.*

The meeting rose at 12.55 p.m.